

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## UNITED STATES DISTRICT COURT

for the

District of \_\_\_\_\_

Division \_\_\_\_\_

LANSANA MANSARAY

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

ROBERT WENNER, KEVIN DALY, OIL CITY POLICE  
DEPT. AND CITY OF OIL CITY

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No. 1:22-cv-81

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ No**FILED**

FEB 09 2023

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**  
(Non-Prisoner Complaint)

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	LANSANA MANSARAY		
Address	900 BAYCHESTER AVENUE, APT 19J		
	BRONX	NY	10475
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number	718-379-9428		
E-Mail Address	lansanamansaray2070@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name	ROBERT WENNER		
Job or Title <i>(if known)</i>	CHIEF OF POLICE BOROUGH OF SUGAR CREEK		
Address	212 FOX STREET		
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	FRANKLIN	PA	16323
Telephone Number	814 423 4717		
E-Mail Address <i>(if known)</i>	robertwenner@boroughofsugarcree.gov		
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

## Defendant No. 2

Name	KEVIN DALY		
Job or Title <i>(if known)</i>	OFFICER		
Address	21 SENECA STREET		
	OIL CITY	PA	16301
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	VENANGO COUNTY		
Telephone Number	814-678-3028		
E-Mail Address <i>(if known)</i>			
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

## Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## Defendant No. 3

Name OIL CITY POLICE DEPT.

Job or Title (if known) 21 SENECA STREET

Address

OIL CITY

PA

City

State

Zip Code

County

VENANGO COUNTY

PA

16301

Telephone Number

814 678 3080

E-Mail Address (if known)

☐ Individual capacity ☐ Official capacity

## Defendant No. 4

Name CITY OF OIL (CITY COUNCIL)

Job or Title (if known)

Address 21 SENECA STREET # 100

OIL CITY

PA

16301

City

State

Zip Code

County

VENANGO COUNTY

Telephone Number

814-678-3012

E-Mail Address (if known)

☐ Individual capacity ☒ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1) Title 18 U.S.C 241-242 2) Fourteen Amendment  
3) Fourteen Amendment - parent's right to custody

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Defendant et al while under color of state law, intentionally sent a damaging report to USCLIS which influence the Agency's decision to denied my 1-360 VAWA petition.

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

The events in this case occurred in Venango County, in the State of Pennsylvania.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

From August 23, 2016 to June 16, 2022

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

After my arrest on August 23, 2016, for child endangerment charges. I was arraigned the same day. The magistrate was offended when I requested to be release on my own recognizance by virtue of my prior arrest record and raised by bond from \$30,000 to \$80,000 straight.

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#### IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

The defamatory action of defendant et al & the Oil City Police Dept. was an infringement on my human honor which led to the denial of my 1-360 VAWA benefit on the 19<sup>th</sup> November 2021. The action of defendant et al led to my additional 95 days confinement at federal prison which was a violation of my Fifth Amendment due process right against double jeopardy. The action of defendant et al also deprived me of the income I could have procured from employment to secure my children's education.

#### V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

WHEREFORE, Plaintiff Lansana Mansaray prays for judgment as follows:

a) An award of compensatory damages against ROBERT KLENNER, KEVIN DALY, OIL CITY POLICE DEPT. AND THE CITY OF OIL CITY.

b) An award in punitive damages against ROBERT KLENNER, KEVIN DALY, OIL CITY POLICE DEPT. AND CITY OF OIL CITY.

c) Appropriate injunctive relief, including the implementation of training protocols to prevent and effectively discipline the conduct complained of herein, and,

d) An order granting such other relief as this Court

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

LANBAYA MANSARAY

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>LANSANA MANSARAY</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>Vs.</b>	)	<b>C.A.No. 1:22-cv-81</b>
	)	
	)	
<b>ROBERT WENNER</b>	)	<b>District Judge Baxter</b>
	)	
<b>Defendant et al</b>	)	
	)	
	)	<b>I rely on the Judge</b>

**COMPLAINT**

**42 USC 1983**

**JURISDICTION**

This Court has the authority to hear this case according to 28 U.S. Code § 118, and 2002 US Code Title 28 -Judiciary and Judicial Procedure Part IV-Jurisdiction and Venue Chapter 85- District Court; Jurisdiction Section 1361, as the issue at hand involves a question of Federal Law. Additionally, the Court has supplemental jurisdiction to hear any related state law claims due to 28 U.S.C. This Court is the appropriate venue, as the defendants are subject to personal jurisdiction due to their place of employment within the District and all of the events that led to the action took place within it.

**PARTIES**

Plaintiff Lansana Mansaray is a man of African descent who bought a single-family house located at 611 Bissell Avenue, Oil City, PA in 2011, and moved in 2013.

Defendant ROBERT WENNER, whom plaintiff sues in his official capacity, was and is relevant to this proceeding chief of the Oil City Police Dept. and currently chief of Police Department of the Borough of Sugarcreek with a contact address at 212 Fox Street, Franklin, PA 16323, and a telephone number of 814 432 4717.

Defendant Officer KEVIN DALY, whom Plaintiff sues in his individual and official capacities, was and is at

all times relevant to this proceeding an officer of Oil City Police. KEVIN acted at all times relevant herein under color of Pennsylvania law and in his capacities as agent and employee of Oil City Oil City Police Dept. has retired from the Oil City Police Department and his last known contact address is 21 Seneca Street, Oil City, PA, with a telephone number of 814 678 3070.

Defendant Oil City Police Dept. is the local government agency that employed at all times relevant to this proceeding ROBERT, and KEVIN, and administers a set of law enforcement policies, practices and customs involving the hiring, training and supervision of it police officers, covering the use of reporting to ICE and USCIS of Criminal Aliens in the Course of officers duties. And their contact address is located at 21 Seneca Street, Oil City, PA 16323.

Defendant CITY OF OIL CITY, City Council, is the local government that maintains Oil City Police Dept. and, through it, employs ROBERT and KEVIN. 21 Seneca St # 100, Oil City, PA 16301, United States, with telephone number of 814-678-3012

#### **STATEMENT OF CLAIM**

The plaintiff in this civil rights complaint alleges that the defamatory action of defendant et al of the Oil City Police Department was an infringement on their human honor and a violation of their Fifth Amendment right to due process. They claim that the action of the defendants led to their additional 95 days confinement at federal prison, as well as their inadmissibility and subsequent deportation to Sierra Leone.

Plaintiff alleges that the defendants' actions led to family separation and have deprived him of the income he could have procured from employment, and of the opportunity to save money for his children's college tuition and for his own retirement. Plaintiff also claim that the defendants have breached his duty of care by subjecting him to psychological abuse and unusual hardship as a result of family separation.

#### **STATEMENT OF FACT**

Plaintiff Lansana Mansaray was arrested on the August 23, 2016, for child endangerment charges and was arraigned the same. However, the magistrate was offended when i asked for a release on my own recognizance because of my zero prior arrest record and he raised my bail from thirty thousand dollars (\$30, 000), to eighty thousand dollars (\$80,000).

And after my guilty plea for child endangerment; and after been confined for 150 days in County prison.

Plaintiff claims that Defendants Robert Wenner et al breached their duty of care when they sent a biased report to USCIS, which was done under color of state law and was intentional.

This act was defamatory in nature and deprived Plaintiff of their I-360 VAWA benefit, making them inadmissible in the United States in violation of Title 18 USC 241-242.

This act resulted in the separation of Plaintiff's family and multiple violations of Plaintiff's civil liberties.

These include a violation of the Fourteenth Amendment, which guarantees a parent's right to custody of a child and a child's right to their parent, as well as a violation of the First Amendment, which guarantees



the right to an 'intimate association.

The result of this violation was the denial of Plaintiff's I-360 VAWA Petition by USCIS, leading Plaintiff to seek redress in Federal District Court for all abuses inflicted by Defendants.

Your Honor, I have a strong case for defamation which I believe has been caused by the Oil City Police Dept. and Defendants Robert Wenner et al.

And in a bid to attach a copy of the defamatory report which was sent to USCIS with this complaint, I submitted a FOIA request to USCIS over six month ago ( See attached FOIR receipt). But unfortunately plaintiff wasn't permitted to access their completed FOIA in their online account apparently because USCIS was having shortage of staff to properly manage their online data effectively. And I humbly enjoin the Honorable Judge to reach out for a copy as a third party requestot.

Your honor, I have evidence that shows this report caused me irreparable harm, resulting in the denial of my I-360 VAWA Petition, separation from my family, and multiple violations of my civil liberties.

I also have evidence that shows the Defendants acted under color of state law, as well as a clear violation of Title 18 USC 241-242.

I believe I have a strong case for defamation and I am confident that the evidence I have presented is strong enough to prove my case. I respectfully request that you consider my evidence and grant me a fair trial.

### **INJURY**

The malicious and defamatory actions of the Oil City Police Department and its officers have inflicted a great injustice upon the plaintiff. Their infringement upon their human rights has led to the denial of the plaintiff's I-360 VAWA benefit and unlawful confinement of the plaintiff in a federal prison. This constitutes a violation of their Fifth Amendment due process rights and renders them inadmissible in the United States, resulting in their unjust deportation.

In addition to that plaintiff has been deprived of the income they would have been able to procure from employment, preventing them from saving for their children's college tuition and their retirement. This malicious act has caused the plaintiff immense psychological distress, and is a clear breach of the duty of care owed to him by the defendants. The plaintiff deserves justice and rightful compensation for his suffering.

### **CLAIMS FOR RELIEF**

#### **COUNT I**

##### **Violation of Title 18 U.S.C. 241-242**

The willful and intentional actions of actions defendants by sending a biased report to ICE and USCIS while under color of state law was in violation Title 18 U.S.C. 241-242. Which led to the denials of

plaintiff PRIMA Facie VAWA Petition on November 19th, 2021. (See Exhibit A). Defendants actions also deprived me of income I could have procure for my children's tuition and for my retirement.

## **COUNT II**

### **Violation of the Fifth and Fourteenth Amendments--42 U.S.C. 1983**

**Violation of 42 Pennsylvania Constitution Statute. ss8341-8345; 8343 For the defamatory nature of Oil City Police Dept. arrest report sent to USCIS**

The Oil City Police Department's report to the Department of Homeland Security, Immigration and Customs Enforcement, and U.S. Citizenship and Immigration Services was biased and resulted in the violation of my Fifth Amendment right and Fourteenth Amendment right.

The plaintiff's Fourteenth Amendment rights have been violated, as the family separation has deprived them of their parental rights, and the right to intimate association

## **COUNT III**

### **Violation of First Amendment and Fourth Amendment 42 U.S.C.s 1983**

Defendants intentional action while under color of state law violated my First Amendment right--right to intimate association and Fourth Amendment right, parent's right to custody of child.

## **COUNT IV**

### **Violation of Fifth Amendments due process right against double jeopardy.**

The lntentional and wilful actions of defendants et al while under color of state law was intentional and led to additional 95 days confinement at Federal Prison which was a violation of of my Fifth Amendment due process right against double jeopardy. ( See Exhibit C)

## **PREVIOUS LAWSUITS**

Plaintiff filed a complaint at the VENANGO County Court of Common Pleas of Oennsylvania, and a default Judgement was entered against defendant but defendant hired the Quin Law firm to challenge plaintiff and the complaint was dismissed by Judge Maria T. VEON because plaintiff did not include the defamatory report on the complaint.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Lansana Mansaray prays for judgement as follows:

a) An award of compensatory damages against Robert Wenner, Kevin Daly and the Oil City Police Dept.

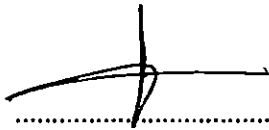
- b) An award of punitive damages against Defendant Robert Wenner, Kevi Daly, the City and the Oil City Police Dept. in an amount to be determined at trial.
- c) Appropriate injunctive relief, including the implementation of training protocols to prevent and effectively discipline the conduct complained of herein; and,
- e) An order granting such other relief as this Court deems just and proper.

**RELIANCE ON THE JUDGE**

Plaintiff requests trial by reliance on the wisdom of the Judge as to all issues in this case.

Dated: January 31, 2023.

Respectfully submitted,



.....

Lansana Mansaray

C/O Beryl Dakers

900 Baychester Avenue, Apt 10J

Bronx, NY 10475

Tel: 718-379-9428

Email: lansanamansaray2070@gmail.com